

Docket No.: SYN-8311

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By:  Date: January 6, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 10/728,385  
Applicant : Kevin Smith et al.  
Filed : December 5, 2003  
Art Unit : to be assigned  
Examiner : to be assigned

Docket No. : SYN-8311  
Customer No.: 24131

**LETTER**

Mail Stop: Missing Parts  
Hon. Commissioner for Patents,  
Alexandria, VA 22313-1450

Sir:

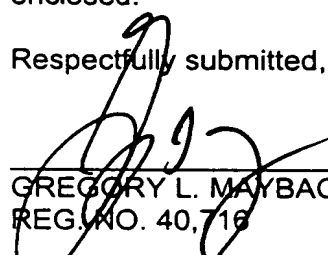
The above-mentioned new patent application was filed on December 5, 2003 without a signed oath or declaration, under the provision of 37 C.F.R. 1.53(f).

In accordance with the above-mentioned rule, enclosed herewith is the original signed declaration.

The undersigned hereby states that the application filed in the Patent and Trademark Office is the application which the inventor(s) executed by signing the declaration. MPEP 602 (8<sup>th</sup> ed., Aug. 2001).

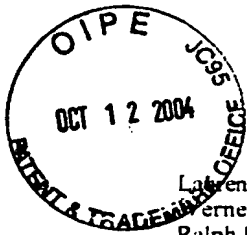
The fee required for the late filing of an oath or declaration in the amount of \$130.00 is also enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
GREGORY L. MAYBACK  
REG. NO. 40,716

cc/b

Date: January 6, 2004  
Lerner and Greenberg, P.A.  
Post Office Box 2480  
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"Express Mail" mailing label number: EL974067738US  
Date of Deposit December 5, 2003

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Docket No.: SYN-8311

  
MICHAEL BURNS

Date: December 5, 2003

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are the necessary papers for filing the following application for Letters Patent:

Applicant : KEVIN SMITH ET AL.

Title : TISSUE RETRACTOR AND METHOD FOR USING THE RETRACTOR

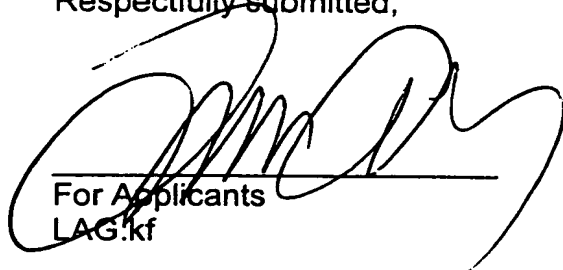
40 sheets of drawings.

The payment in the amount of \$1,652.00 covering the filing fee.

This application is being filed without a signed oath or declaration under the provisions of 37 CFR 1.53(f). Applicants await notification of the date by which the oath or declaration and the surcharge are due, pursuant to this rule.

The Patent and Trademark Office is hereby given authority to charge Deposit Account No. 12-1099 of Lerner and Greenberg, P.A. for any fees due or deficiencies of payments made for any purpose during the pendency of the above-identified application.

Respectfully submitted,



For Applicants  
LAG:kf

LAURENCE A. GREENBERG  
REG. NO. 29,308



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/728,385	12/05/2003	Kevin Smith	SYN-8311

CONFIRMATION NO. 8814

LERNER AND GREENBERG, P.A.  
 POST OFFICE BOX 2480  
 HOLLYWOOD, FL 33022-2480

FORMALITIES LETTER



\*OC000000013774353\*

Date Mailed: 09/10/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

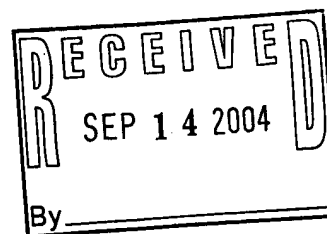
A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts  
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*A copy of this notice **MUST** be returned with the reply.*

*R. Leggett*

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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DOC. NO. SYN-8311 Mailed December 5, 2003  
APPLIC. NO. Express Mail EL974067738US

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs 60 Rule 53b New ☒ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ... RCE ☐  
☐ CIP ... pgs ☐ Design ☒ 40 Dwgs ☐ Declaration ☒ Mailing Certif.  
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO  
☐ Amend pgs ... ☐ Prel. Amend pgs ... ☐ Letter  
☐ Response pgs ... ☐ 37CFR1.116 ☐ Not. of Appeal  
☐ Brief pgs ... ☐ Appndx pgs ... ☐ I.D.S. + ... Refs.  
☐ Assoc Pwr of Atty ☒ Credit Card \$ 1652.00  
☐ Pet. for Ext ... Mo. ☐ Pet ... ☐ Check \$  
☐ Issue Fee ☐ Assignment ☐ PTOL  
☐ Cert. Trans. ☐ Cert. of Corr. ☐ File rec. corr

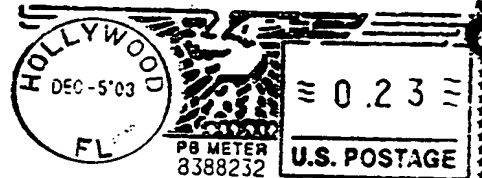
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17302 U.S. PTO  
10/728385



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